

ANDOVER BOARD OF HEALTH
MINUTES
MONDAY, DECEMBER 8, 2014, 6:00 P.M.
FIRST FLOOR CONFERENCE ROOM
36 BARTLET STREET

The Board of Health Meeting was called to order at 6:03 p.m. Present were Ms. Candace Martin, Chairman, Ms. Katherine Kellman, Vice-Chairman, Gopala K. Dwarakanath, M.D., Clerk, and Mr. Thomas G. Carbone, Director of Public Health.

I. Approval of Minutes

- **November 17, 2014**

Motion by Ms. Martin, seconded by Ms. Kellman, to approve the Minutes of November 17, 2014. Unanimous approval.

- **February 13, 2012 (Executive Session)**

Motion by Ms. Martin, seconded by Dr. Dwarakanath, to approve the Minutes of the February 13, 2012, Executive Session, and allow the Chairman to release them when litigation is completed. Vote taken: Ms. Martin, Aye; Ms. Kellman, Aye; Dr. Dwarakanath, Aye.

II. Appointments & Hearings

- **6 p.m. – Phil Dres for Phil’s Roast Beef – Show Cause Hearing to Suspend or Revoke a Food Establishment License** – Mr. Carbone informed the Board that he performed an inspection in September and Mr. Dres has made progress. The repair work is completed and Mr. Carbone noticed the employees wearing gloves. Mr. Carbone noticed that there was no Allergen Awareness Certification, and Mr. Dres provided that to Mr. Carbone the next day. Mr. Carbone stated that Mr. Dres understands what has to be done and did not think he needed a private Consultant at this time.

Motion by Dr. Dwarakanath to continue the Show Cause Hearing and have Mr. Dres return to the Board in three months. This motion was not seconded.

Motion by Dr. Dwarkanath, seconded by Ms. Martin that the Board close the Hearing, and require a staff inspection in 6 months with the requirement that if there are any critical violations, Mr. Dres will have to appear again before the Board. Vote taken: Ms. Martin, Aye; Ms. Kellman, Aye; Dr. Dwarakanth, Aye.

III. Discussion

- **Adopt Revised Tobacco Control Regulations** – Present were Ronald Beauregard, Director of the Healthy Communities Tobacco Control and Ms. Joanne Martel, Assistant Health Director. The Board discussed the regulation that required a business selling tobacco to not be located within 500’ of a school and the possibility of

grandfathering existing facilities in. Mr. Carbone showed the Board a GIS map generated by the town plotting out the location of the schools.¹ As of this time, no stores selling tobacco products are within that 500' setback. Discussion followed concerning how long it takes for a business to apply and get the Retail Sale of Tobacco Products License, with the concern that a business could get a license before the new regulations take effect. Mr. Carbone explained that usually the permitting process takes time and did not foresee that happening.

Ms. Martin asked what the timeline for adopting the new regulations would be. Mr. Carbone stated that if the Board adopts them at this meeting, he would recommend that they take effect February 1, 2015. That gives Mr. Beauregard time to inform the stores that sell the products, advertise the adoption of the new regulations in the newspaper, and notify the State of Massachusetts of the new regulations.

Motion by Ms. Martin, seconded by Dr. Dwarakanath, to adopt the Tobacco Control Regulations marked as Final Draft, 11/26/2014, showing Town Counsel's changes. The regulations will be effective as of February 1, 2015. Vote taken: Ms. Martin, Aye; Ms. Kellman, Aye; Dr. Dwarakanath, Aye.

- **Status Update – Casco Crossing Compliance** – Ms. Martin stated that she appreciated the summary of the timeline from Attorney Michael Rabieh concerning the compliance with the Board's decision. Attorney Rabieh provided the Board with the paperwork to the Architectural Access Board requesting the extension that the Board thought should be requested. Mr. Carbone recommended that the Board continue the Hearing to the April, 2015 Board of Health Meeting.

Motion by Ms. Martin to close the Casco Crossing Compliance Hearing.

Mr. Carbone suggested the Board continue the Hearing to April, 2015 for a status update.

Ms. Martin amended her motion. Motion by Ms. Martin, seconded by Ms. Kellman, to continue the Casco Crossing Compliance Hearing to the April, 2015 Board of Health Meeting with a requirement that the Board receive a status update from Casco Crossing on the timeline to complete the work. Unanimous approval.

- **Process to Filling Open Seat** – The Board Members discussed who they would like to consider filling the open seat. Depending on the availability of the candidates, the Board would like to meet with Steven Adams, Pamela Linzer and Dr. Lawrence Richard as the first tier. The second tier would include Francis A. O'Conner and John Zipeto. Mr. Carbone will call the first three candidates and see if they are interested and able to come in for an interview at the January 12, 2014 Board of Health Meeting. He may make some other calls as well.
- **Set February Meeting Date** – The Board decided on Monday, February 9, 2015 and Monday, March 9, 2015 as their next meeting dates.

¹ A copy of the map has been added to the Agenda Packet after page 18.

- **Update on the Renewal Process for 2015 (not on Agenda)** – Ms. Martin asked how the renewal process for 2015 was going. Mr. Carbone replied that there were still some bugs to be worked out with the software this year as well. There was an issue with the Food Permits because the permits were renewed as a batch, and the expiration dates were incorrect. Fortunately we have a Consultant who works with us on any issues we have. He has been helping us work around those issues, so next year's transition should go smoother. Mr. Carbone stated that starting next week Staff will start making phone calls to the applicants who have not renewed by the December 15, 2014 deadline.

IV. Old Business

- N/A

V. Subdivision Definitive Plans

- N/A

VI. Plan Review

- **DWRP – Variances/Local Upgrade Approval**
 - N/A

VII. Staff Reports

A. Director's Reports:

- **Important Dates:**
 - December 25 & 26, Office Closed
 - January 1, 2015, Office Closed
 - January 13, 2015, Board of Health Meeting at 6 p.m.

B. Nurses' Report for November, 2014 – The Nurses' Report for November, 2014, was for informational purposes only.

C. Inspectors' Reports for November, 2014, and Director's Report for October, 2014 – The Inspectors' Reports for November, 2014, and the Director's Report for October 2014, were for informational purposes only.

Board Member Reports

- **Letters to Attorney David D. Christensen concerning 2 Dufton Road (not on Agenda)** – Ms. Martin asked about the letters that Mr. Carbone sent out to Attorney Christensen concerning 2 Dufton Road property. The most recent inspection by the Inspector of Building revealed propane tanks in the storage areas, and she asked if

there was anything the Health Division could do. Ms. Martin informed the Board that she attended the Andover Board of Selectmen Meeting concerning the propane tanks. She stated that there were fifteen propane canisters, five propane tanks, and several gas tanks on the property. There are several other safety issues that are of a great concern as well. The Fire Department was aware of the situation, but cannot do anything until the court ruling.

Ms. Martin stated that this is a health hazard, and the Board has done things in the past to protect the people living near a health hazard. Ms. Martin stated that the trailer is filled with construction debris from floor to ceiling which includes solvents, and was documented by the Building Inspector. There are halogen lights lighting up his tents with extension cords running to the basement. Mr. Carbone stated that he was not sure what the Town can do at this point. Ms. Martin asked if in court the next day the Town could ask the judge to allow it to take some action since it has been going on for more than six years. Mr. Carbone replied that he was not aware of what would be happening at that hearing because this deals with action the Building Division started.

VIII. Adjournment

Motion by, Ms. Kellman, seconded by Ms. Martin, to adjourn at 7:15 p.m. Unanimous approval.